

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA, *ex rel.*  
DAVID M. KESTER, *et al.*,

Plaintiffs,

v.

NOVARTIS PHARMACEUTICALS  
CORPORATION, ACCREDO HEALTH GROUP,  
INC., BIOSCRIP CORPORATION, CURASCRIP,  
INC., CVS CAREMARK CORPORATION,

Defendants.

Civil Action No.  
1:11-cv-08196-CM

**NOTICE OF JOINT MOTION TO  
STAY BRIEFING**

PLEASE TAKE NOTICE that, upon the accompanying Notice of Settlement, Defendant CVS Health Corporation and Relator David M. Kester hereby move this Court before the Honorable Colleen McMahon, United States District Court, Southern District of New York, 40 Foley Square, New York, New York, for an order staying briefing on CVS's Rule 72 Motion (Dkt. No. 458), pending the parties' execution of a settlement agreement and government consent to the dismissal of CVS from the case, pursuant to 31 U.S.C. 3730(b)(1). In the unlikely event either is not achieved, the parties will immediately notify the Court and request that the stay be lifted.

Dated: June 16, 2015

Respectfully submitted,

WILLIAMS & CONNOLLY LLP

By: /s/ Enu Mainigi

Enu Mainigi (admitted *pro hac vice*)  
Amanda M. MacDonald (admitted *pro hac vice*)  
Jessica B. Rydstrom (admitted *pro hac vice*)  
Nicholas G. Gamse (admitted *pro hac vice*)

725 Twelfth Street, N.W.  
Washington, DC 20005  
Telephone: (202) 434-5000  
Facsimile: (202) 434-5029

*Attorneys for CVS Health Corporation*

VOGEL, SLADE & GOLDSTEIN, LLP

By: /s/ Shelley R. Slade

Shelley R. Slade (Admitted *pro hac vice*)  
Robert L. Vogel (SDNY Bar No. RV1527)  
Janet L. Goldstein (Admitted *pro hac vice*)  
1718 Connecticut Avenue, NW, 7<sup>th</sup> Floor  
Washington, D.C. 20009  
Telephone: (202) 537-5900  
E-mail: sslade@vsg-law.com

SUSMAN GODFREY LLP

By: /s/ William C. Carmody

William C. Carmody (WC-8478)  
Arun Subramanian (AS-2096)  
Steven M. Shepard, *Pro Hac Vice*  
Elisha B. Barron (EB6850)  
560 Lexington Avenue, 15th Floor  
New York, New York 10022 6828  
Telephone: (212) 336 8330  
Facsimile: (212) 336 8340

Matthew R. Berry, *Pro Hac Vice*

Andres C. Healy, *Pro Hace Vice*  
1201 Third Ave., Suite 3800  
Seattle, WA 98101  
Telephone: (206) 516-3880  
Facsimile: (206) 516-3883

J. Hoke Peacock III, *Pro Hac Vice*  
Shawn L. Raymond, *Pro Hac Vice*  
1000 Louisiana St., Suite 5100  
Houston, TX 77002  
Telephone: (713) 653-7834  
Facsimile: (713) 654-6666

*Attorneys for Relator David M. Kester*